

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK (White Plains)

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In re:

Gerasimos Stefanitsis  
aka Jerry Stephanitsis

Case No.: 22-22507-cgm  
Chapter 13

Debtor.

Hearing Date: 12/7/2022  
Time: 9:05 AM  
Related Docket No. 31

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OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Bank of America, N.A., as servicer for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATE HOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2004-20T1, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2004-20T1 (hereinafter “Movant”), a secured creditor in the instant Chapter 13 case by and through the undersigned attorneys, hereby submits this objection to the Debtor’s Chapter 13 Plan filed October 19, 2022 [Docket No. 31] (“the Plan”), and in support thereof, represents and states as follows:

1. Movant is the holder of a mortgage (the “Mortgage”) encumbering the real property situated at 228 Union Ave, Harrison, NY 10528 (“the Property”).

2. On August 1, 2022 (the “Filing Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, et. seq. (the “Bankruptcy Code”). On October 4, 2022, the bankruptcy case converted to a chapter 13 and thereafter on October 19, 2022, the Debtor filed the Plan.

3. As of the Filing Date, the total arrears due to Movant are \$6,724.59. On November 10, 2022, Movant timely filed their Proof of Claim which appears on the Claims Register as Claim No. 6.

4. As the Plan does not list any arrears as being owed to Movant, which amount is clearly insufficient to cure the arrears due, the Plan cannot be confirmed.

**WHEREFORE**, Bank of America, N.A., as servicer for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATE HOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2004-20T1, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2004-20T1 respectfully requests that that the Court deny confirmation of the Plan in its current form, pursuant to 11 U.S.C. §1325.

Date: Nassau, New York  
November 10, 2022

**David A. Gallo & Associates LLP**

/s/ Robyn E. Goldstein

By: **Robyn E. Goldstein, Esq.**  
Attorneys for Secured Creditor  
47 Hillside Avenue, 2<sup>nd</sup> Floor  
Manhasset, NY 11030  
(516) 583-5330

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**CERTIFICATE OF SERVICE BY MAIL**  
STATE OF NEW YORK, COUNTY OF NASSAU) ss.:

The undersigned being duly sworn deposes and says: Deponent is not a party to the action is over 18 years of age and resides in Nassau County, New York.

That on November 10, 2022, deponent served the within **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**, by mailing and/or emailing a copy to each of following persons at the last known address of the Parties listed on the attached service list.

/s/ Catherine Galiano  
Catherine Galiano, Bankruptcy Paralegal  
**David A. Gallo & Associates LLP**  
Date: November 10, 2022

Sworn to before me this 10<sup>th</sup> day of November, 2022

/s/ David A. Gallo  
Notary Public, State of New York  
No. 02GA4749312  
Qualified in Nassau County  
Commission Expires February 28, 2026

## **SERVICE LIST**

Case No.: 22-22507-cgm

***Debtor***

Gerasimos Stefanitsis  
234 Union Avenue  
Harrison, NY 10528

**Lawrence Morrison**

Email: [lmorrison@m-t-law.com](mailto:lmorrison@m-t-law.com)

***Trustee***

**Krista M. Preuss**

Email: [info@ch13kp.com](mailto:info@ch13kp.com)

***U.S. Trustee***

**United States Trustee**

Email: [USTPRegion02.NYECF@USDOJ.GOV](mailto:USTPRegion02.NYECF@USDOJ.GOV)